

REMARKS

Claims 1, 6, 9-11, 13-15, 19 and 22-31 were examined by the Office, and in the final Office Action of August 19, 2009 all claims are rejected. With this response claims 1, 6, 9, 15, 23-24 and 30-31 are amended. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Rejections Under § 103

In section 4, on page 2 of the Office Action, claims 1, 5-8, 10-11, 13-15, 19-20 and 22-31 are rejected under 35 U.S.C. § 103(a) as unpatentable over Wylie et al. (U.S. Patent No. 5,974,329) in view of MacDonald (U.S. Patent No. 5,732,354). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations recited in claim 1.

The Office acknowledges on page 3 of the Office Action that Wylie fails to disclose that the method is implemented in the system to store and determine a characteristic parameter describing the line-of-sight conditions of the radio propagation environment of each antenna for two base stations, the characteristic parameter describes excess path lengths caused by obstacles in the environment by means of one of a number of discrete levels, and computing distances between the mobile station and the two base stations, and relies upon MacDonald for this teaching. In addition, the teachings of Wylie are far more complex in the method employed in order to determine errors to determine correction factors to find distances.

An essential feature of Wylie is the initial step of determining if a base station is line-of-sight or non-line-of-sight. However, this step is not performed in the current claims, and this distinguishes the current claims from Wylie, because the claims do not require this feature that disadvantageously requires extra processing power and measurements. In claim 1, it is recited to use a parameter which may take one of a number of values, in contrast to the further complex steps of Wylie which are employed after the determination of whether a base station is non-line-of-sight. Wylie requires additional complex steps as shown in Figures 2, 4, 5 and 6 and includes two steps of determining range measurements, a plurality of steps which determine standard deviations and smoothing operations. All of this extra processing means extra processing power requirements, both in hardware terms and also in terms of

speed and efficiency when determining location. By using the parameters recited in claim 1, a far more efficient way of achieving the results is provided. Accordingly, Wylie cannot disclose these features of claim 1, since Wylie provides a much more complicated methodology.

Furthermore, MacDonald teaches a different system of determining location than either the current claims or Wylie. In contrast to the current claims, in which the location is determined using travel time differences, MacDonald uses signal strength measurement and the degree of attenuation through certain environmental. See MacDonald column 3, lines 33-35 & column 6, line 39. However, signal strengths are not time measurements systems. In addition, the following equation is used to determine distances:

$$(1) \text{RSSI} = \text{EIRP} - \text{propagation loss}$$

All of the terms of the equation have the same general units, i.e. dBs, and relate to signal strength and attenuation. Accordingly, it is clear that timing is not used.

The propagation loss is given by the formula shown in MacDonald includes propagation path slope. The slope may be predetermined and assigned values, and accordingly this again relates to signal strength not to excess path lengths as recited in the current claims. Excess path lengths effect timing information which is another feature of the current claim, whereas signal strength and attenuation thereof is not dependent on excess path lengths. Accordingly, one of skill in the art would not be motivated to incorporate the teachings of MacDonald with Wylies in order to arrive at the limitations recited in the claims. Accordingly, for at least these reasons, claim 1 is not disclosed or suggested by the cited references.

Independent claims 15 and 23-24 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 1.

The dependent claims rejected above, all ultimately depend from the above mentioned independent claims, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 5, on page 8 of the Office Action, claim 9 is rejected under 35 U.S.C. § 103(a) as unpatentable over Wylie in view of MacDonald and Hilsenrath et al. (U.S. Patent No. 6,026,304). Claim 9 ultimately depends from independent claim 1, and therefore it not disclosed or suggested at least in view of its dependency.

Conclusion

The objections and rejections of the Office Action of December 5, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of the application to issue is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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